

**NASUCA Ex Parte Presentation in the Nature of a Clarification:  
On Behalf of Consumers, NASUCA Supports the Addition of Equal Access  
To the List of Supported Services  
CC Docket 96-45**

Background At page three, in the next to last paragraph of its May 14, 2003 Ex Parte Presentation, the Rural Cellular Association (RCA) stated, "...while ILECs claim consumers would benefit from [including equal access as a supported service for receipt of ETC status], commenters representing pro-consumer interests did not raise the issue in their comments." In its June 17, 2003 Ex Parte Presentation, the Cellular Telecommunications and Internet Association (CTIA) stated that, "...requiring all ETCs to provide equal access would be harmful to consumers."

Issue Do those who represent the consumer interest support inclusion of equal access?

Answer

- Yes, it is the consumer position as stated by NASUCA in its Comments filed April 14, 2003, that equal access should be added to list of supported services. Equal access will benefit consumers through increased choice, and will enhance competition by establishing fair rules for all ETCs.
- Equal access meets the requirements of Section 254(c)(1) and does not contravene Section 332(c)(8) of the Act.

Equal Access Enhances Consumer Benefit

- Equal access provides a direct, tangible consumer benefit by placing the customer in charge of deciding which long distance plan is more appropriate for that customer.
- Customer choice is the touchstone of the 1996 Telecommunications Act. Adding equal access will ensure that consumer interests are paramount.
- The current array of telecommunications services and providers would not exist without equal access.
- Equal access will provide an additional option besides the bundled services offered now by wireless carriers.
- Requiring equal access would not preclude wireless carriers from continuing to offer their highly successful all-distance bundles, but would allow customers to decide for themselves which plans are best for them.
- Equal access is even more important to rural customers who have fewer choices of carriers than urban customers.
- Section 254(b)(3) of the Act explicitly requires rural consumers to have access to toll services comparable to that enjoyed by urban customers.

Equal Access Enhances Competition

- Equal access promotes competitive and technological neutrality.
- By adding equal access, all ETCs would compete on the basis of price and quality of service; no ETCs would have an unfair advantage.
- Since ETCs can abandon any area, it is absolutely essential that all ETCs be required to provide equal access. This is especially true in rural areas.

- Adding equal access will prevent the development of unsound business plans based on receipt of USF monies by carriers that do not provide equal access.

#### Equal Access Meets the Section 254(c)(1) Tests for Inclusion

- Equal access is essential to education, public health and public safety. This is especially true for rural consumers who must often use toll services to access basic services.
- Equal access is subscribed to by virtually all residential customers as part of basic telephone service.
- Equal access is deployed throughout the nation in public telecommunications networks.
- Addition of equal access is consistent with public interest, convenience and necessity.

#### Section 332(c)(8) Does Not Preclude Adding Equal Access

- No wireless carrier is required to offer equal access. Only ETCs should be required to offer equal access.
- There is no requirement that any carrier become an ETC, and thus provide equal access. Undertaking the responsibilities of an ETC is a voluntary decision.
- The test for ETC status should be the ability to provide the minimum prescribed services, and the willingness of carriers to serve the interests of customers. Equal access is manifestly in the interest of consumers.
- Requiring equal access is not rate regulation.
- Becoming an ETC is imbued with public interest considerations that go beyond being a mere competitive provider.

#### The Issue of Equal Access Should Be Decided in this Proceeding

- The issue of equal access has been fully framed in the supported services docket.
- There is no additional information or context that can be imparted to the Commission by deferring decision to a subsequent proceeding.
- Equal access is so important to consumer welfare, that the decision should not be deferred.

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